

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed June 5, 2003. Applicants appreciate the Examiner's consideration of the Application. Claim 1 has been amended to correct an informality. Applicants respectfully submit that no new matter has been added by the amendment to the claim. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

**Section 112 Rejection**

The Examiner rejects Claims 1-8 and 23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 1 has been amended to correct the lack of antecedent basis pointed out by the Examiner. The claims particularly point out and distinctly claim the subject matter the Applicants regard as the invention, and thus are allowable under 35 U.S.C. § 112.

**Section 103(a) Rejection**

The Examiner rejected Claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,477,539 B1 issued to Smith (*Smith*), in view of U.S. Patent No. 5,999,103 issued to Croslin (*Croslin*). Applicants respectfully traverse this rejection for the reasons discussed below.

*Smith*, whether alone or in combination with *Croslin*, fails to disclose, teach, or suggest:

(1) storing "in the node" a second service state for a first parent node "upon which the node is operationally dependent"; and

(2) in response to receiving at least one of a new second service state and a new third service state, redetermining at the node "the first service state for the node using a state determiner and at least one of the new second service state" and the new third service state (recited in Applicants' independent Claims 1, 9, and 16).

First, *Smith* fails to disclose, teach, or suggest storing "in the node" a second service state for a first parent node "upon which the node is operationally dependent." The Examiner relies on the following passage from *Smith*:

In a particular embodiment of the invention, each child object includes an indicator of a current state of a resource represented by each child object and the parent object includes an indicator of a current state of the parent object, the parent object state indicator based on the child object state indicators.

(*Smith*, column 1, lines 66-67; column 2, lines 1-4). That is, *Smith* stores at the child node a state corresponding to the child node, while storing at the parent node a state corresponding to the parent node. *Smith*, however, does not store in a child node a state for a parent node. In fact, *Smith* clearly points out that the child node stores its own state and not its parent node's state. For example, in a portion of another passage relied on by the Examiner, *Smith* states:

Also, as described below, physical RMs 34a, 34b, 34c, 34d, 34e and 34f have a state indicated at 35 that represents the state of corresponding resources 24a, 24b, 24c, 24d, 24e and 24f. These states are reported to logical RM objects 31, 32a, 32b, 32c and 32d, which from this information determine their own state.

(*Smith*, column 6, lines 33-38). According to *Smith*'s Figure 4 and the above passage, each state 35 corresponds to the state of the child node where state 35 is stored. Nothing in either *Smith*'s Figures or the abovementioned passages indicates that a child node stores a parent node's state. Additionally, *Smith* teaches that the parent object state indicator is based on the child object state indicator, and thus does not teach a second service state for a first parent node upon which the node is operationally dependent. Accordingly, *Smith* fails to disclose, teach, or suggest storing in the node a second service state for a first parent node "upon which the node is operationally dependent" as recited in Applicants' Claims 1, 9, and 16.

Moreover, it would not be obvious to modify *Smith* to store a parent node's state at the child node because *Smith* teaches away from that modification. According to *Smith*, "The state of any object thus reflects an assessment of the operability of any physical resource that are its descendants." (*Smith*, column 3, lines 17-19). That is, in *Smith*, a parent's state is determined by the child's state. In fact *Smith* states, "Logical objects, which are parents to other objects, determine their states based upon the states of their children, and report these to their own parent objects." (*Smith*, Abstract, lines 5-8). Therefore, *Smith*'s child nodes

would have no use for the parent node's state. Consequently, *Smith* fails to disclose, teach, or suggest storing "in the node" a second service state for a first parent node "upon which the node is operationally dependent", as recited in Applicants' Claims 1, 9, and 16.

Additionally, *Smith* fails to disclose, teach, or suggest in response to receiving at least one of a new second service state and a new third service state, redetermining at the node "the first service state for the node using a state determiner" and at least one of the new "second service state" and the new third service state. The Examiner relies on *Smith*'s manager as disclosing Applicants' state determiner. Applicants respectfully disagree. First, as previously mentioned, *Smith* contemplates determining a state at a parent based on the state of the children. Therefore, *Smith*'s determination occurs at the parent node and not at the child node.

Second, *Smith* states, "Complex operations such as software upgrades, sparing or state changes may be completed by the manager sending one command to the appropriate object, rather than many individual commands to the individual resources." (*Smith*, column 3, lines 26-29) (emphasis added). *Smith* continues, "As with listed operations, one command sent to an object of the interface will implement the state change operation for all children of the object." (*Smith*, column 8, lines 32-34) (emphasis added). Accordingly, *Smith*'s redetermination may be accomplished using one command, but not using a state determiner and at least one of the new second service state, as recited in Applicants' Claims 1, 9, and 16. Consequently, *Smith* fails to disclose, teach, or suggest in response to receiving at least one of a new second service state and a new third service state, redetermining at the node "the first service state for the node using a state determiner" and at least one of the new "second service state" and the new third service state, as recited in Applicants' independent Claims 1, 9, and 16. Therefore, Applicants respectfully request that the Examiner withdraws the rejection to these Claims.

For at least the reasons provided above, *Smith*, whether alone or in combination with *Croslin*, fails to disclose, teach, or suggest the combination of limitations specifically recited in Applicants' independent Claims 1, 9, and 16. Applicants' dependent Claims 2-8, 10-15, and 17-25 are allowable based on their dependence on the independent claims and further because they recite numerous additional patentable distinctions over the prior art. For example, Applicants' Claims 23, 24, and 25 recite "a state determiner" comprising "a service

state equation comprising a variable selected from a group consisting of a service state, a broken state, an in-service state, a maintenance state, and a parent state." Because Applicants believe they have amply demonstrated the allowability of the independent claims over the prior art, and to avoid burdening the record, Applicants have not provided detailed remarks concerning the dependent claim. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Aug 27, 2003